

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

NORA G. RODRIGUEZ,

Plaintiff,

VS.

CITY OF CORPUS CHRISTI,

Defendant.

§
§
§
§
§
§
§
§

Case No. 2:13-cv-00134

PLAINTIFF’S MOTON FOR ATTORNEY FEES

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Plaintiff Nora G. Rodriguez files this Motion for Attorney Fees, and shows as follows:

Introduction

1. This case was tried to a jury on October 19-20, 2015. The jury returned a verdict in favor of the plaintiff on October 20, 2013, and awarded her total of \$750,166.66 in compensation for her damages. (DE 92). Of this amount, \$150,166.66 was for past lost wages and benefits. (DE 92). This evidence was not controverted.

2. Therefore, the plaintiff is the prevailing party in this matter.

3. Because the plaintiff is the prevailing party, she is entitled to recover her attorney fees. The plaintiff pled for attorney fees. (DE 34, at ¶ 44). “The

court, in its discretion, may award a reasonable attorney's fee to the prevailing party in a Title VII retaliation case. 42 U.S.C. § 2000e-5(k).” *Hardy v. City of Tupelo, Miss.*, No. 1:08-CV-28-SA-JAD, 2010 WL 730314, at *6 (N.D. Miss. Feb. 25, 2010). “[A] prevailing plaintiff ordinarily is to be awarded attorney's fees in all but special circumstances.” *Tureaud v. Grambling State Univ.*, 294 Fed. Appx. 909, 917 (5th Cir. 2008). “Likewise, the prevailing party in a First Amendment retaliation case is entitled to a reasonable attorney's fee. 42 U.S.C. § 1988(b).” *Hardy v. City of Tupelo, Miss.*, No. 1:08-CV-28-SA-JAD, 2010 WL 730314, at *6 (N.D. Miss. Feb. 25, 2010).

4. “To calculate attorneys' fees, a court must first calculate a lodestar fee by multiplying the number of hours reasonably expended on the litigation by a reasonable hourly rate.” *Hardy v. City of Tupelo, Miss.*, No. 1:08-CV-28-SA-JAD, 2010 WL 730314, at *6 (N.D. Miss. Feb. 25, 2010) (citing *Green v. Adm'rs of the Tulane Educ. Fund*, 284 F.3d 642, 661 (5th Cir. 2002)).

5. The plaintiff seeks \$103,823.50 as the fair and reasonable amount of attorney fees, through trial, as established by the declaration of the plaintiff's counsel, which is attached to this motion, identified as Exhibit A (and A-1), and adopted and incorporated herein by reference. The plaintiff seeks an additional \$31,950 as the fair and reasonable amount of attorney fees, to be awarded to the plaintiff only if this case is appealed by the defendant, as established by the amended declaration of the plaintiff's counsel, which is attached to this motion,

identified as Exhibit A, and adopted and incorporated herein by reference.

6. For these reasons, Plaintiff respectfully requests that the Court GRANT this motion and order the relief requested be granted, and for such other relief, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

s/Jon D. Brooks

Jon D. Brooks

Attorney-in-Charge

Southern District ID 24936

State Bar No. 24004563

400 Mann Street, Suite 1001

Corpus Christi, Texas 78401

361.885.7710

361.885.7716 (facsimile)

jbrooks@brookslp.com

**Attorney for Plaintiff Nora G.
Rodriguez**

Certificate of Service

I hereby certify that the foregoing document was served upon all counsel of record on this 22nd day of October 2015, by electronic mail from the Clerk of the Court, as provided by the rules, as follows:

John B. Martinez
HILLIARD MUÑOZ GONZALES LLP
719 S. Shoreline Blvd., Suite 500
Corpus Christi, Texas 78401

s/Jon D. Brooks

Jon D. Brooks